

Article appeared
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THE WASHINGTON POST
11 November 1978

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CIA Must Pay, but No Apology Needed

NEW YORK (AP) — Individuals whose mail was opened by the CIA as part of a 20-year domestic spying program can collect damages, but they aren't entitled to an apology, a federal appeals court has ruled.

The 2nd U.S. Circuit Court of Appeals upheld a lower court ruling that the federal government is liable for the Central Intelligence Agency activity.

It based its decision, reached late Thursday, on the conclusion that the CIA's legislative charter gave the agency no authority to gather intelligence on domestic matters.

But the court said U.S. District Court

Judge Jack B. Weinstein of Brooklyn went beyond his jurisdiction in ordering the government to send letters of apology to those whose mail had been opened.

Amherst College sociology Professor Norman Birnbaum, who learned after filing a Freedom of Information Act request that his correspondence had been intercepted and read, was awarded \$1,000 in 1977.

He sent a letter dealing with a conference of specialists in the sociology of religion to a Soviet professor in 1970.

The Bill of Rights Foundation, a not-for-profit civil liberties group that represented the Massachusetts professor, said the ruling has broad significance.

"The United States cannot be sued for damages except with its consent as manifested in the Federal Torts Claim Act," of 1946, the foundation said.

"By finding that the mail-opening case comes within that Act, the court has removed the major barrier to the recovery of damages in cases involving the invasion of privacy."

The circuit court said the CIA covertly opened and photographed more than 215,000 pieces of mail sent to or received from the Soviet Union before the program ended in 1973.

The FBI also was involved for all but the first five years, the court said.